

2009 DRAFTING REQUEST

Bill

Received: **09/24/2009**

Received By: **rnelson2**

Wanted: **Soon**

Identical to LRB:

For: **Senate Chief Clerk 6-2517**

By/Representing: **Jeff**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - immunity liability**

Extra Copies:

Submit via email: **YES**

Requester's email: **robert.marchant@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exemptions from execution

Instructions:

See attached AB387 and AA3

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 09/24/2009			_____			
/1		csicilia 09/28/2009	rschluet 09/28/2009	_____	mbarman 09/28/2009	mbarman 09/28/2009	

FE Sent For:

<END>

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1?	rnelson2	Tjs 9/25 OT		JB 9/25			

FE Sent For:

<END>

2005

ENGROSS BILL
[or 2nd House Sub]

LPS: FREEZE BILL

SECTIONS IN BOTH DOCUMENTS
BEFORE MAKING CHANGES
(To Be Printed for Legislature)

LRB - 3524/11

RPN: cjs :

ENGROSSED 2005 Assembly BILL 387

(Date) 9/24, - Printed by direction of Senate CHIEF CLERK

JOINT RULE 63. **Reproduction of engrossed measures.** Upon the finding by the chief clerk of either house that a bill, joint resolution, resolution or major amendment thereto has been amended in the house of origin to a considerable degree, the chief clerk may instruct the legislative reference bureau to prepare and have reproduced an engrossed copy of the measure. In preparing engrossed copy for a bill, joint resolution or resolution the legislative reference bureau shall, if time permits, provide it with a revised analysis. Upon receipt from the legislative reference bureau of the engrossed copy, the chief clerk shall enter that fact in the history file for the measure. Any subsequent amendments to a measure ordered reproduced with all adopted amendments engrossed therein shall be drafted to the reproduced engrossed text.

ADOPTED DOCUMENTS:

☒ Orig ☐ SubAmdt

- 2462/2

Amendments to above (if none, write "NONE"):

AA3

Corrections - show date (if none, write "NONE"):

9/24 CCC to AA3

9/24 RPN

cjs

Date

Drafter

Editor

ELECTRONIC PROCEDURE: Follow automatic or manual engrossing procedures in *TEXT2000 Reference Guide*, Document Specific Procedures, Ch. 20, Engrossing and Enrolling.

LEGISLATIVE PROCESSING SPECIALIST: Give paper copy of engrossed bill to drafter for final check before forwarding.

Make 15 copies of ENGROSSED BILL: Enter introductory information on engrossed bill cover sheet corresponding to the house of the chief clerk who directed the engrossed bill printed. Distribute copies and send copy of engrossed bill electronically to DOA for printing.

DISTRIBUTION:

DIRECTING CHIEF CLERK:

- Cover sheet and 9 copies

LRB:

- Drafting file original

- Drafting attorney 1 copy
- Legislative editors 1 copy each
- Bill index librarian 1 copy

ASSEMBLY BILL 387 (LRB -2462)

An Act to renumber and amend 815.18 (3) (b); to amend 815.18 (3) (d), 815.18 (3) (g), 815.18 (3) (i) 1. c., 815.20 (1) and (2), 815.21 (2), 815.21 (4) and 815.21 (5); and to create 815.18 (2) (bc), 815.18 (3) (b) 2. and 815.20 (3) of the statutes; relating to: the homestead exemption and increases in the value of the exemption for various property that is exempt from execution. (FE)

2009

08-18.	A.	Introduced by Representatives Hebl, Sherman, Roys, Berceau, Clark, Pope-Roberts, Richards, Turner, Molepske Jr., Smith, Hintz, Grigsby, Hilgenberg, Hixson, Kessler, Dexter and Danou ; cosponsored by Senators Taylor, Lehman, Miller, Vinehout, Lassa, Risser, Robson and Holperin.	
08-18.	A.	Read first time and referred to committee on Judiciary and Ethics	351
08-25.	A.	Public hearing held.	
08-26.	A.	Fiscal estimate received.	
08-27.	A.	Fiscal estimate received.	
09-04.	A.	Assembly amendment 1 offered by Representative Gundrum (LRB a0652)	360
09-08.	A.	Assembly amendment 2 offered by Representative Hebl (LRB a0656)	364
09-09.	A.	Executive action taken.	
09-09.	A.	Assembly amendment 3 offered by committee on Judiciary and Ethics (LRB a0657)	367
09-16.	A.	Report Assembly Amendment 3 adoption recommended by committee on Judiciary and Ethics, Ayes 9, Noes 1	374
09-16.	A.	Report passage as amended recommended by committee on Judiciary and Ethics, Ayes 9, Noes 1	374
09-16.	A.	Referred to committee on Rules	374
09-17.	A.	Placed on calendar 9-22-2009 by committee on Rules.	
09-22.	A.	Read a second time	405
09-22.	A.	Assembly amendment 3 adopted	405
09-22.	A.	Ordered to a third reading	405
09-22.	A.	Rules suspended	405
09-22.	A.	Read a third time and passed	405
09-22.	A.	Ordered immediately messaged	405
09-23.	S.	Received from Assembly	333
09-23.	S.	Printed engrossed by the direction of the Senate Chief Clerk.	
09-24.	S.	Read first time and referred to committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.	
09-24.	S.	LRB correction (Assembly Amendment 3).	

History of Assembly Bill 387

ASSEMBLY BILL 387

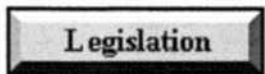
LC Amendment Memo

An Act to renumber and amend 815.18 (3) (b); to amend 815.18 (3) (d), 815.18 (3) (g), 815.18 (3) (i) 1. c., 815.20 (1) and (2), 815.21 (2), 815.21 (4) and 815.21 (5); and to create 815.18 (2) (bc), 815.18 (3) (b) 2. and 815.20 (3) of the statutes; relating to: the homestead exemption and increases in the value of the exemption for various property that is exempt from execution. (FE)

2009

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- 08-18. A. Read first time and referred to committee on Judiciary and Ethics 351
- 08-25. A. Public hearing held.
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- 09-22. A. **Assembly amendment 3 adopted .**
- 09-22. A. Ordered to a third reading.
- 09-22. A. Rules suspended.
- 09-22. **A. Read a third time and passed.**
- 09-22. A. Ordered immediately messaged.

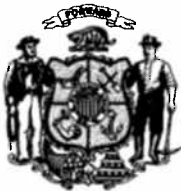
[Search for another history](#)



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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3524/0

RPN

1/1/09
js

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ENGROSSED 2009 ASSEMBLY BILL 387

September 24, 2009 - Printed by ~~direction~~ of
SENATE CHIEF CLERK

Green Cat

Freeze
Sections

1 AN ACT ...; relating to: ???

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2462/2
RPN:jld&kjf:md

2009 ASSEMBLY BILL 387

FREEZE
SECTIONS

August 18, 2009 - Introduced by Representatives HEBL, SHERMAN, ROYS, BERCEAU, CLARK, POPE-ROBERTS, RICHARDS, TURNER, MOLEPSKE JR., SMITH, HINTZ, GRIGSBY, HILGENBERG, HIXSON, KESSLER, DEXTER and DANOU, cosponsored by Senators TAYLOR, LEHMAN, MILLER, VINEHOUT, LASSA, RISSER, ROBSON and HOLPERIN. Referred to Committee on Judiciary and Ethics.

1 AN ACT *to renumber and amend* 815.18 (3) (b); *to amend* 815.18 (3) (d), 815.18
2 (3) (g), 815.18 (3) (i) 1. c., 815.20 (1) and (2), 815.21 (2), 815.21 (4) and 815.21
3 (5); and *to create* 815.18 (2) (bc), 815.18 (3) (b) 2. and 815.20 (3) of the statutes;
4 **relating to:** the homestead exemption and increases in the value of the
5 exemption for various property that is exempt from execution.

Analysis by the Legislative Reference Bureau

Under current law, a debtor's interest in certain property and the value of certain property are exempt from execution, from the lien of every judgment, and from liability for the debtor's debts, allowing the debtor to keep that property rather than have the property taken to pay the amounts owed to creditors. This bill raises the value of some of the property that is exempt as shown by the following table:

Property	Current exempt value	Exempt value under the bill
Business equipment, inventory, farm products, and professional books	\$7,500	\$15,000
Consumer goods, including household furnishing, appliances, clothes, jewelry, sporting goods, and firearms	\$5,000	\$12,000
Motor vehicles	\$1,200	\$4,000
Payments for a personal injury	\$25,000	\$50,000
Personal depository accounts	\$1,000	\$5,000

ASSEMBLY BILL 387

The bill ^{also} allows a person who does not take an exemption for business equipment, inventory, farm products, or professional books to take an exemption of any interest the debtor has in a closely held business, up to a maximum amount of \$15,000. ~~Ins. and B. 17, 209~~

In addition, the bill requires the Department of Administration every three years, beginning in January 2011, to adjust the exemption for the debtor's homestead, currently set at \$40,000, to reflect the change in the consumer price index for all urban consumers for the previous three-year period. Current law extends the homestead exemption to land owned by a husband and wife jointly or in common and allows either to claim the exemption or to divide the exemption between them. The bill allows the husband and wife to each claim a homestead exemption of not more than ~~the adjusted \$40,000 amount~~ ~~\$75,000~~

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 815.18 (2) (bc) of the statutes is created to read:

815.18 (2) (bc) "Closely held business" means a corporation whose stocks are held by not more than 25 individuals, a partnership of not more than 25 partners who are individuals, or a limited liability company of not more than 25 members who are individuals.

SECTION 2. 815.18 (3) (b) of the statutes is renumbered 815.18 (3) (b) 1. and amended to read:

815.18 (3) (b) 1. Equipment, inventory, farm products, and professional books used in the business of the debtor or the business of a dependent of the debtor, not to exceed ~~\$7,500~~ \$15,000 in aggregate value.

SECTION 3. 815.18 (3) (b) 2. of the statutes is created to read:

815.18 (3) (b) 2. If the debtor does not claim an exemption under subd. 1., any interest of the debtor, not to exceed \$15,000 in aggregate value, in a closely held business that employs the debtor or in whose business the debtor is actively involved.

ASSEMBLY BILL 387

1 **SECTION 4.** 815.18 (3) (d) of the statutes is amended to read:

2 815.18 **(3)** (d) *Consumer goods.* Household goods and furnishings, wearing
3 apparel, keepsakes, jewelry and other articles of personal adornment, appliances,
4 books, musical instruments, firearms, sporting goods, animals, or other tangible
5 personal property held primarily for the personal, family or household use of the
6 debtor or a dependent of the debtor, not to exceed ~~\$5,000~~ \$12,000 in aggregate value.

7 **SECTION 5.** 815.18 (3) (g) of the statutes is amended to read:

8 815.18 **(3)** (g) *Motor vehicles.* Motor vehicles not to exceed ~~\$1,200~~ \$4,000 in
9 aggregate value. Any unused amount of the aggregate value from par. (d) may be
10 added to this exemption to increase the aggregate exempt value of motor vehicles
11 under this paragraph.

12 **SECTION 6.** 815.18 (3) (i) 1. c. of the statutes is amended to read:

13 815.18 **(3)** (i) 1. c. A payment, not to exceed ~~\$25,000~~ \$50,000, resulting from
14 personal bodily injury, including pain and suffering or compensation for actual
15 pecuniary loss, of the debtor or an individual of whom the debtor is a dependent.

16 **SECTION 7.** 815.20 (1) and (2) of the statutes are amended to read:

17 815.20 **(1)** An exempt homestead as defined in s. 990.01 (14) selected by a
18 resident owner and occupied by him or her shall be exempt from execution, from the
19 lien of every judgment, and from liability for the debts of the owner to the amount
20 of ~~\$40,000~~ as adjusted under sub. (3), except mortgages, laborers', mechanics', and
21 purchase money liens and taxes and except as otherwise provided. The exemption
22 shall not be impaired by temporary removal with the intention to reoccupy the
23 premises as a homestead nor by the sale of the homestead, but shall extend to the
24 proceeds derived from the sale to an amount not exceeding ~~\$40,000~~ as adjusted
25 under sub. (3), while held, with the intention to procure another homestead with the

Insert
3-15

→

~~\$40,000~~ \$75,000

~~\$40,000~~ \$75,000

ASSEMBLY BILL 387

SECTION 7

1 proceeds, for 2 years. The exemption extends to land owned by husband and wife
2 jointly or in common or as marital property, and ~~when they reside in the same~~
3 ~~household may be claimed by either or may be divided in any proportion between~~
4 ~~them, but the exemption may not exceed \$40,000 for the household. If the husband~~
5 ~~and wife fail to agree on the division of exemption, the exemption shall be divided~~
6 ~~between them by the court in which the first judgment was taken~~ each spouse may
7 claim a homestead exemption of not more than \$40,000, as adjusted under sub. (3). ^{\$25,000}
8 The exemption extends to the interest therein of tenants in common, having a
9 homestead thereon with the consent of the cotenants, and to any estate less than a
10 fee.

11 (2) Any owner of an exempt homestead against whom a judgment has been
12 rendered and entered in the judgment and lien docket, and any heir, devisee, or
13 grantee of the owner, or any mortgagee of the homestead, may proceed under s.
14 806.04 for declaratory relief if the homestead is less than \$40,000, as adjusted under ^{\$40,000 \$75,000}
15 sub. (3). in value and the owner of the judgment shall fail, for 10 days after demand,
16 to execute a recordable release of the homestead from the judgment owner's
17 judgment lien.

18 **SECTION 8.** 815.20 (3) of the statutes is created to read:

19 815.20 (3) The department of administration shall adjust the amount of the
20 homestead exemption under this section and s. 815.21 every 3 years, beginning in
21 January 2011, or on the effective date of this subsection [LRB inserts date],
22 whichever is later, to reflect the change in the consumer price index for all urban
23 consumers, U.S. city average, as determined by the U.S. department of labor for the
24 previous 3-year period. By March 1 of 2011, and of every 3rd year thereafter, the
25 department of administration shall notify the director of state courts of the adjusted

ASSEMBLY BILL 387

SECTION 8

1 amount of the homestead exemption, which shall apply to all executions issued on
2 or after that date.

3 SECTION 9. 815.21 (2) of the statutes is amended to read:

4 815.21 (2) If such plaintiff is dissatisfied with the quantity selected or the
5 estimate of the value thereof, the officer shall cause such lands to be surveyed,
6 beginning at a point to be designated by the owner and set off in compact form. After
7 the lands are surveyed and set off, if in the opinion of the plaintiff, the same shall be

8 of greater value than \$40,000, as adjusted under s. 815.20 (3) ~~\$40,000~~ ^{\$75,000} the officer may still

9 advertise and sell the premises so set off, and out of the proceeds of such sale pay to

10 the exempt homestead claimant the sum of \$40,000, as adjusted under s. 815.20 (3) ~~\$40,000~~ ^{\$75,000}

11 and apply the balance of the proceeds of such sale on the execution; but no sale shall

12 be made in the case last mentioned unless a greater sum than \$40,000, as adjusted ~~\$40,000~~ ^{\$75,000}

13 under s. 815.20 (3) is paid for said premises. The expenses of such survey and sale

14 shall be collected on the execution if the owner claimed as the owner's homestead a

15 greater quantity of land or land of greater value than the owner was entitled to;

16 otherwise such expenses shall be borne by the plaintiff.

17 SECTION 10. 815.21 (4) of the statutes is amended to read:

18 815.21 (4) A homestead so selected and set apart by such officer shall be the
19 exempt homestead of such person. The costs of such notice and survey shall be
20 collected upon the execution. A failure of the officer to set apart such homestead shall
21 affect such levy, only as to such homestead; and the failure of such person to select
22 that person's homestead shall not impair that person's right thereto, but only that
23 person's right to select the same when such selection is lawfully made by such officer.

24 After such homestead is thus set off by such officer, if, in the officer's opinion or in

25 the opinion of the plaintiff, the premises are of greater value than \$40,000, as ~~\$40,000~~ ^{\$75,000}

ASSEMBLY BILL 387**SECTION 10**

1 adjusted under s. 815.20 (3), the officer may sell the same as where the owner makes
2 the selection.

3 **SECTION 11.** 815.21 (5) of the statutes is amended to read:

4 815.21 (5) If the land claimed as an exempt homestead exceeds in value
5 \$40,000, as adjusted under s. 815.20 (3), ^{~~\$40,000~~, ~~\$75,000~~} the officer shall not be bound to set off any

6 portion thereof but may sell the same, unless the debtor shall make the debtor's
7 selection of such a portion thereof as shall not exceed \$40,000, as adjusted under s. ^{~~\$40,000~~ ~~\$75,000~~}

8 815.20 (3) in value.

9 **SECTION 12. Initial applicability.**

10 (1) This act first applies to executions issued on the effective date of this
11 subsection.

12 (END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3524/?ins
RPN:.....

ins anl A:

Sub-sub

→ Engrossment information:

The text of Engrossed 2009 Assembly Bill 387 consists of the following documents adopted in the assembly on September 22, 2009: the bill as affected by Assembly Amendment 3 (as affected by chief clerk's correction).

Sub-sub

→ Content of Engrossed 2009 Assembly Bill 387:

ins anl B:

9

The amendment increases the exemption for personal depository accounts (i.e. checking accounts, savings accounts) from \$1,000 to \$1,500. In addition the amendment increases the homestead exemption from \$40,000 to \$75,000 and removes language in the bill that would have required the Department of Administration to update the homestead exemption every three years.

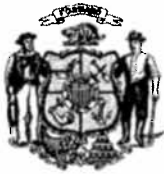
bill

bill as passed by the
assembly on September
22, 2009, as affected
by the

The text also
includes the
September 24,
2009, chief clerk's
correction to Assembly Amendment 3

e.g.

\$1,000



State of Wisconsin
2009 – 2010 LEGISLATURE

LRBa0657/1
RPN:bjk:jf

ASSEMBLY AMENDMENT 3,
TO 2009 ASSEMBLY BILL 387

September 9, 2009 – Offered by COMMITTEE ON JUDICIARY AND ETHICS.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 3, line 15: after that line insert:

3 "SECTION 6m. 815.18 (3) (k) of the statutes is amended to read:

4 815.18 (3) (k) *Depository accounts.* Depository accounts in the aggregate value
5 of ~~\$1,000~~ \$5,000, but only to the extent that the account is for the debtor's personal
6 use and is not used as a business account." ✓

7 ✓ 2. Page 3, line 20: delete "\$40,000, as adjusted under sub. (3)." and substitute
8 "\$40,000, \$75,000." ✓

9 ✓ 3. Page 3, line 24: delete "\$40,000, as adjusted" and substitute "\$40,000,
10 \$75,000." ✓

11 ✓ 4. Page 3, line 25: delete "under sub. (3)." ✓

insert
3-15

1 ✓5. Page 4, line 7: delete "\$40,000, as adjusted under sub. (3)" and substitute
2 "\$75,000".

3 ✓6. Page 4, line 14: delete "\$40,000, as adjusted under" and substitute "\$40,000
4 \$75,000".

5 ✓7. Page 4, line 15: delete "sub. (3)".

6 ? ✓8. Page 4, line 19 ^{18 ccc} delete the material beginning with that line and ending with
7 page 5, line 2.

8 ✓9. Page 5, line 8: delete "\$40,000, as adjusted under s. 815.20 (3)," and
9 substitute "\$40,000, \$75,000".

10 ✓10. Page 5, line 10: delete "\$40,000, as adjusted under s. 815.20 (3)," and
11 substitute "\$40,000 \$75,000".

12 ✓11. Page 5, line 12: delete "\$40,000, as adjusted" and substitute "\$40,000
13 \$75,000". ✓

14 ✓12. Page 5, line 13: delete "under s. 815.20 (3)".

15 ✓✓13. Page 5, line 25: delete "\$40,000, as" and substitute "\$40,000 \$75,000".

16 ✓14. Page 6, line 1: delete "adjusted under s. 815.20 (3)".

17 ✓15. Page 6, line 5: delete "\$40,000, as adjusted under s. 815.20 (3)," and
18 substitute "\$40,000, \$75,000".

19 ✓16. Page 6, line 7: delete "\$40,000, as adjusted under s." and substitute
20 "\$40,000 \$75,000".

21 ✓17. Page 6, line 8: delete "815.20 (3)".

22 (END)



State of Wisconsin
2009-2010 LEGISLATURE

CORRECTIONS IN:

**ASSEMBLY AMENDMENT 3,
TO 2009 ASSEMBLY BILL 387**

Prepared by the Legislative Reference Bureau
(September 24, 2009)

In engrossing, the following correction was made:

- ✓ 1. Page 2, line 6: delete "19" and substitute "18".

(END)